

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/700,234	BROWN, PETER G.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andre Pierre-Louis	2123	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/18/2006.
2. ☒ The allowed claim(s) is/are 1.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                                |                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)                                                               | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                           | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>01/04/2003</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                     | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|                                                                                                                                | 9. <input type="checkbox"/> Other _____                                               |

**DETAILED ACTION**

1. The amendment filed on 12/18/2006 have been received and fully considered.
2. Claim 2 is cancelled; and now claim 1 is presented for examination.
3. The abstract submitted on 12/18/2006 has been entered.
4. As per the Terminal Disclaimer, the Examiner acknowledges the receipt of the Terminal Disclaimed submitted on 12/18/2006 and it has been entered.

**EXAMINER'S AMENDMENT**

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

5.1 Authorization for this examiner's amendment was given in a communication filed on 12/18/2006.

- 5.2 The application is amended as follow:

In the specification, at the beginning of line 7, the phrase "*This is application is a continuation-in-part application of and claims priority to U.S. Patent Application No. 09/019,777, filed February 6, 1998, which claims priority to U.S. Provisional Patent Application No. 60/037,387, filed February 7, 1997, the contents of both of the latter two applications are incorporated herein by reference in their entirety*" **is replaced with** -- This is application is a continuation of application no. 09/373,794, filed August 13, 1999 now U.S. Patent No. 6,662,061, which is a continuation-in-part application of and claims priority to U.S. Patent Application No. 09/019,777, filed February 6, 1998 now U.S. Patent No. 6,311,095,

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which claims priority to U.S. Provisional Patent Application No. 60/037,387, filed February 7, 1997, the contents of both of the latter two applications are incorporated herein by reference in their entirety.--

**Allowable Subject Matter**

6.0 Claim 1 is allowed.

6.1 The following is an examiner's statement of reasons for allowance: While Sherriff et al. (USPG\_PUB No. 2004/0254658) teaches a process plant control system includes a batch engine that creates a batch process application, a master process equipment model that includes generating a block diagram, a process plant equipment for selecting equipment, and a communication interface for communicating with controllers and other runtime equipment to implement the batch; and Blevins et al. (USPG\_PUB No. 2004/0243380) teaches a method and apparatus that generates an estimates of a property of a batch process including generating a block diagram, *neither of these references* taken either alone or in combination with the prior art of record disclose a method for simulating and modeling a batch process manufacturing facility, *comprises the steps of:* generating a process time line using said operational parameters, said block flow diagram, said set of scheduling cycles for each of said sequence of unit operations, wherein said process time line is used for facility design, *in combination* with the remaining elements and features of the instant invention, it is for these reasons that the applicant's invention defines over the prior art of record.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

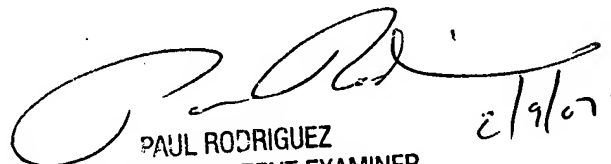
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Pierre-Louis whose telephone number is 571-272-8636. The examiner can normally be reached on Mon-Fri, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul L. Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 18, 2007

APL

  
PAUL RODRIGUEZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100  
2/9/07